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APPLICATION NO.	F	ILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO
09/844,530		04/27/2001	Leah M. Miller	01-008	3738
24319	7590	10/02/2002			
LSI Logic		on	EXAMINER		
1551 McCar M/S: D-106	Patent De	epartment	PATEL, ISHWARBHAI B		
Milpitas, CA 95035				ART UNIT	PAPER NUMBER
			2827		
				DATE MAILED: 10/02/2002	

Please find below and/or attached an Office communication concerning this application or proceeding.

		Application No.	Applicant(s)
n	•		
	Office Action Summers	09/844,530	MILLER ET AL.
	Office Action Summary	Examiner	Art Unit
		Ishwar (I. B.) Patel	2827
Period fo	- The MAILING DATE of this communic r Reply	cation appears on the cover sne	et with the correspondence address
A SHO THE N - Exten after: - if the - if NO - Failur - Any re	DRTENED STATUTORY PERIOD FOMALLING DATE OF THIS COMMUNIC sions of time may be available under the provisions of SIX (6) MONTHS from the mailing date of this communication of the providing for reply specified above is less than thirty (30)	CATION. f 37 CFR 1.136(a). In no event, however, n nication. days, a reply within the statutory minimum utory period will apply and will expire SIX (6 iill, by statute, cause the application to beco	nay a reply be timely filed of thirty (30) days will be considered timely. ) MONTHS from the mailing date of this communication. me ABANDONED (35 U.S.C. § 133).
1)⊠	Responsive to communication(s) file	ed on <u>12 December 2001</u> .	
2a)□	This action is <b>FINAL</b> . 2	b) This action is non-final.	
3)□ Dispositi	Since this application is in condition closed in accordance with the praction of Claims		I matters, prosecution as to the merits is 5 C.D. 11, 453 O.G. 213.
4)⊠	Claim(s) $1-32$ is/are pending in the a	pplication.	
•	4a) Of the above claim(s) <u>1-10</u> is/are	withdrawn from consideration.	
5)□	Claim(s) is/are allowed.		
6)□	Claim(s) is/are rejected.		
7)	Claim(s) is/are objected to.		
8)🖂	Claim(s) <u>11-32</u> are subject to restricti	on and/or election requirement	•
Application	on Papers		
9)[] 7	The specification is objected to by the	Examiner.	
10)□ 7	he drawing(s) filed on is/are:	a) $\square$ accepted or b) $\square$ objected to	by the Examiner.
	Applicant may not request that any obje		
11) 🗌 7	he proposed drawing correction filed		disapproved by the Examiner.
	If approved, corrected drawings are requ	, <b>-</b>	
12)[] 1	he oath or declaration is objected to	by the Examiner.	
Priority u	nder 35 U.S.C. §§ 119 and 120		
13)	Acknowledgment is made of a claim t	for foreign priority under 35 U.S	S.C. § 119(a)-(d) or (f).
a)[	☐ All b)☐ Some * c)☐ None of:		
	1. Certified copies of the priority	locuments have been received	•
	2. Certified copies of the priority of	locuments have been received	in Application No
	3. Copies of the certified copies o application from the Interna ee the attached detailed Office action	ational Bureau (PCT Rule 17.2)	(a)).
		·	S.C. § 119(e) (to a provisional application).
, a)	The translation of the foreign lang	guage provisional application h	as been received.
Attachment	-	• •	
1) Notice	o of References Cited (PTO-892) of Draftsperson's Patent Drawing Review (PT nation Disclosure Statement(s) (PTO-1449) Pa	O-948) 5) 🔲 Noti	rview Summary (PTO-413) Paper No(s) ce of Informal Patent Application (PTO-152) rr:

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## Election/Restrictions

- 1. Applicant's election with traverse of group II, in Paper No. 3 is acknowledged. However, applicant did not elect a specie with the clams directed to the elected specie. Further, during the first restriction requirement, though on summary page claims 1-32 were considered, inadvertently in the description of the restriction requirement section, in describing group II, only claims 11 25 were mentioned instead of claims 11-32. The applicant is required to elect a single specie with the claims directed to the elected specie.
- 2. Group II of the application contains claims directed to the following patentably distinct species of the claimed invention:

Specie I

Figures 1-5.

Specie II

Figures 6-10.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, no claim is generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

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Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

3. A telephone call was made to Pete P. Scott on September 11, 2002 to request an oral election to the above restriction requirement, but did not result in an election being made.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

4. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim

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remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ishwar (I. B.) Patel whose telephone number is (703) 305 2617. The examiner can normally be reached on M-F (6:30 - 4) First Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David L Talbott can be reached on (703) 305 9883. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305 3431 for regular communications and (703) 305 7724 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308 0956.

ibp

September 28, 2002

ALBERT W. PALADINI PRIMARY EXAMINER